REMARKS

Claims 1-42 are pending. Applicants have carefully considered the application in view of the Examiner's Action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

Claims 3-5 and 8-10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant's regard as the invention. In response, Applicants have amended Claims 1-12 to overcome the rejection of the identified claims. The amendments to Claims 1-12 are supported at page 11, lines 1-14, and Claims 23-28, of the application as originally filed and, therefore, no new matter has been added to the application as originally filed. In light of the foregoing, Applicants respectfully request the withdrawal of the rejection of Claims 3-5 and 8-10 under 35 U.S.C. § 112, second paragraph.

Applicants have noted their obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time that a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f), or (g) prior art under 35 U.S.C. 103(a). However, after careful consideration of this obligation, Applicant's have concluded that there are no claims that were not commonly owned at the time a later invention was made and, therefore, that it is unnecessary to point out the inventor and invention date of any claim.

Claims 1, 6, 11-13, 15-18, 20-22, 30, 31, 33, 35, 36, 39, and 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,014,711 to Brown (hereinafter "Brown"). Claims 2, 7, 14, 19, 32, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of by U.S. Patent No. 6,219,413 B1 to Burg (hereinafter "Burg"). Claims 3, 8, 23-29, and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Burg and U.S. Patent No. 5,353,331 to Emery et al. (hereinafter "Emery"). Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of U.S. Patent No. 5,684,862 to Finnigan (hereinafter "Finnigan"). Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of allegedly admitted prior art. In response, Applicant has amended independent Claims 1, 13, 17,

20, 22, 23, 26-28, and 30 such that they now clearly distinguish and are patentable over the cited references.

Specifically, independent Claims 1, 13, 17, 20, 22, 23, 26-28, and 30 have been amended to more particularly point out and distinctly claim one of the distinguishing characteristics of the present invention, namely, that a recipient e-mail address is input by or received from a calling party, as supported in the originally filed specification, for example, at page 6, lines 12-14. This distinguishing characteristic provides Applicant's invention with numerous advantages not seen in the cited references. For example, Applicant's invention does not require a translation service, which is central to Brown. In contrast to Applicants' invention, Brown requires receipt of a unique recipient identifier, which would not be an e-mail address, since that would render Brown moot. Brown then queries a directory server to obtain a recipient address (such as an e-mail address), thus precluding obtaining the recipient address from the calling party as claimed by Applicants. Thus, if a calling party inputs an e-mail address, as claimed by Applicants, the intended functionality of Brown would be destroyed.

In view of the foregoing, it is apparent that none of the cited references, either singularly or in any combination, teach, suggest, or render obvious the unique combination now recited in independent Claims 1, 13, 17, 20, 22, 23, 26-28, and 30. It is therefore respectfully submitted that Claims 1, 13, 17, 20, 22, 23, 26-28, and 30 clearly and precisely distinguish over the cited reference or combinations of references in a patentable sense, and are therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claims 1, 13, 17, 20, 22, 23, 26-28, and 30 under 35 U.S.C. §§ 102(e) and 103(a) as being unpatentable over Brown and Brown in view of Burg, Emery, Finnigan, and/or allegedly admitted prior art be withdrawn.

Claims 2-12, 14-16, 18, 19, 21, 24, 25, 29, and 31-42 depend from and further limit independent Claims 1, 13, 17, 20, 22, 23, 26-28, and 30, in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the rejections of dependent Claims 2-12, 14-16, 18, 19, 21, 24, 25, 29, and 31-42 be withdrawn, as well.

Applicant respectfully reserves the right to traverse the foregoing rejections based on the combination of references set forth under 35 U.S.C. § 103(a) and, accordingly, to make arguments against the appropriateness of combining such references.

Claims 12, 13, 17, and 24 have been amended to correct minor typographical errors. Specifically, in Claims 12 and 13, "recipients" was corrected to be --recipient's--, in Claim 17 "a" was corrected to be --an--, and in Claim 24, "herein" was corrected to be --wherein--. It is noted that the foregoing amendments to correct minor typographical errors are not made in response to any remarks by the Examiner handling the present case, or for the purpose of rendering the application patentable and, furthermore, add no new matter to the application as originally filed.

Applicant has reviewed the prior art made of record and not relied on, and has concluded that this art does not prejudice the patentability of the invention as defined by the present claims. For this reason and the reason that they have not been applied against Applicant's claims, no further discussion of them is deemed necessary.

Applicant does not believe any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of Carr & Storm, L.L.P.

Applicant has now made an earnest attempt to place this application in condition for allowance. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, full allowance of Claims 1-42 so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

Dated: August 8, 2001

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